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7 Attorneys for Plaintiff Alexis Grajeda Garcia, on behalf of himself and all “aggrieved employees”
8 pursuant to Labor Code § 2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF KERN**

11 ALEXIS GRAJEDA GARCIA, on behalf
12 of himself and all “aggrieved employees”
13 pursuant to Labor Code § 2698 *et seq.*,

14 Plaintiffs,

15 vs.

16 WESTERN OILFIELDS SUPPLY
17 COMPANY, a Delaware Corporation, and
DOES 1 through 10, inclusive,

18 Defendants.

CASE NO.: BCV-21-101746

*Assigned to the Hon. Thomas S. Clark, Department
17*

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS,
AND DISMISSING ACTION WITH
PREJUDICE**

Complaint Filed: July 29, 2021

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On May 26, 2021, Plaintiff Alexis Grajeda Garcia (“Plaintiff”) complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending a letter, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendant Western Oilfields Supply Company (“Defendant”) (hereinafter Plaintiff and Defendant are collectively referred to as the “Parties”), setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “B” to Gaines Decl.).

2. Plaintiff filed his Representative Action Complaint on July 29, 2021 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.7, and 512 and penalties pursuant to Labor Code § 2699(a) for violations of Labor Code §§ 226.3 and 558 (“the Action”). (Gaines Decl. at ¶ 7).

4. Defendant denies and continues to deny any liability to Plaintiff or any other allegedly aggrieved employee for any violations alleged in the Action. (Gaines Decl. at ¶ 9).

5. During the course of the litigation, the Parties engaged in informal discovery and shared the information necessary for all sides to conduct a legitimate investigation into the allegations of the action and potential defenses thereto. The Parties have reached this settlement only after such discovery and investigation was performed, following a mediation with Scott Markus on April 5, 2022. (Gaines Decl. at ¶ 10).

6. Plaintiff assessed the value of the PAGA claims (without stacking) to be approximately \$1,791,500 (at the rate of a \$100 penalty for 17,915 pay periods at issue). (Gaines Decl. at ¶ 11).

7. The amount of the settlement is \$214,980, which represents a recovery of 12% of the possible discretionary penalties and includes an apportionment of attorneys’ fees and costs and a modest general release payment to Plaintiff Garcia. (Gaines Decl. at ¶ 12).

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1 8. The Parties agree that the settlement amount represents a fair compromise of the
2 claims, including the related costs of litigation and risk. (Gaines Decl. at ¶ 13).

3 9. Based on their extensive experience litigating over 100 representative actions,
4 counsel for Plaintiff believes the settlement here is fair and reasonable and warrants approval by
5 the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit "A" to Gaines Decl.).

6 10. The Parties request that the Court enter the accompanying order, approving their
7 settlement (attached to the Gaines Declaration as Exhibit "C"), as permitted by Labor Code §
8 2699(l), and dismiss this Action with prejudice. (Gaines Decl. at ¶ 14).

9 **IT IS SO STIPULATED.**

10 Dated: May 2 , 2022

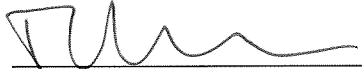
11 For Plaintiff:

For Defendant:

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13 GAINES & GAINES, APLC

JACKSON LEWIS P.C.

14
15 By: Daniel F. Gaines
 DANIEL F. GAINES

By: 
FRANK M. LIBERATORE

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IT IS SO ORDERED.

JUDGE OF THE SUPERIOR COURT

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_____ (For messenger) my business address is:

**Frank Liberatore, Esq.
Danielle C. Cepeda, Esq.
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____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

_____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 3, 2022, at Westlake Village, California.

Beatriz Franco

BEATRIZ FRANCO